THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.32626 of 1998

Dated: 22.06.2007

Between:

K.Ramaswamy

… Petitioner

AND

Vigilance and Security Officer,
APSRTC, Vizianagaram.

And others

… Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.32626 of 1998

ORDER:-

This writ petition is filed seeking a writ of mandamus to quash proceedings Rc.No.18/PR/VZM Zone/98 dated 5.10.1998 whereunder a penalty of withholding of increments for two years with effects on his future increments and pension was imposed.

Learned counsel for petitioner is absent. However, I am inclined to dispose of the writ petition on merits in view of the fact that the material discloses and it is also admitted by the learned Standing Counsel for respondents that the order imposing the penalty on the petitioner has not been preceded by an enquiry. In **Kulwant Singh Gill Vs. State of Punjab**[1] the Supreme Court held that even though the service regulation of Punjab State did not treat withholding of increments as major penalty, however, since withholding of increments with cumulative effect will have the effect on reduction in pay, it shall be treated as major penalty. It is also brought to my notice that a Division Bench of this Court in **Depot Manager, APSRTC, Anantapur Depot & Another Vs. K.Adireddy**[2] while considering the Regulations of Andhra Pradesh State Road Transport Corporation Employees (CCA) Regulation 1967, followed the ratio laid down in **Kulwant Singh Gill (1 supra)** and held that order imposing penalty of

withholding of increments with cumulative effect shall be preceded by holding of a regular enquiry as it constitutes major penalty.

Since admittedly no enquiry was held, I deem it appropriate to set aside the proceedings dated 5.10.1998. It is however made clear that the respondents are given liberty to take action afresh by following the procedure envisaged for imposing major penalty under 1963 Regulations.

The writ petition is accordingly allowed to the extent indicated above.

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C.V.NAGARJUNA REDDY,J

Dt:22.06.2007
Mdaa.

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[1] 1991 Suppl (1) SCC 504

[2] 2006 (4) ALD 501